

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

AARON CHRISTOPHER SEARCY, #1442048,

Petitioner,

v.

ACTION NO. 2:15cv80

HAROLD W. CLARKE,
Director, Virginia Dept. of Corrections,

Respondent.

FINAL ORDER

Petitioner, a Virginia inmate, submitted a *pro se* Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254. ECF No. 1. The Petition alleges violations of federal rights pertaining to Petitioner's convictions in the Circuit Court for the City of Norfolk for robbery and conspiracy, in violation of Virginia Code Sections 18.2-58 and 18.2-22, respectively. *See* ECF No. 14 attach. 2. As a result of the convictions, Petitioner was sentenced to thirty (30) years for robbery, with twenty (20) years suspended, and twelve (12) months for conspiracy. *Id.*

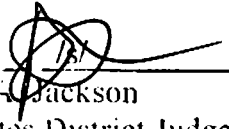
The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation filed December 10, 2015, recommends dismissal of the Petition. ECF No. 18. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On December 28, 2015, Respondent filed objections regarding the Magistrate Judge's reasoning on the "timeliness" issue in the Report and Recommendation.

ECF No. 19. Also on December 28, 2015, the Court received Petitioner's objections to the Report and Recommendation, wherein he objected to the Magistrate Judge's ruling on the merits of Petitioner's claims. ECF No. 21.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby **ADOPT** and **APPROVE** the findings and recommendations set forth in the Report and Recommendation filed December 10, 2015. It is, therefore, **ORDERED** that the Petition be **DENIED** and **DISMISSED**. It is further **ORDERED** that judgment be entered in favor of Respondent.

Petitioner simply repeated the claims he made in his original petition, and failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003). Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a *written* notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment.

The Clerk shall forward a copy of this Final Order to Petitioner and counsel of record for Respondent.



Raymond A. Jackson

United States District Judge

RAYMOND A. JACKSON

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
January 25, 2016